98TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPT. 98-156
Part 2

FEDERAL TRADE COMMISSION AUTHORIZATON ACT OF 1983

MAY 16, 1983.—Ordered to be printed

Mr. MOAKLEY, from the Committee on Rules, submitted the following

REPORT

[To accompany H.R. 2970 which on May 11, 1983, was referred jointly to the Committees on Energy and Commerce and Rules]

[Including cost estimate of the Congressional Budget Office]

The Committee on Rules, to whom was referred the bill (H.R. 2970) to amend the Federal Trade Commission to extend the authorization of appropriations contained in such Act, and for other purposes, having considered the same, report without recommendation.

SCOPE OF REPORT

Under clause 1(q) of rule x, the Committee on Rules is vested with responsibility for the "rules and joint rules * * * and the order of business of the House."

In addition to its well understood responsibility for resolutions relating to the order of business, the committee receives original referral of all bills and resolutions changing or affecting the rules of the House.

H.R. 2970, in addition to amending the Federal Trade Commission Act to authorize appropriations and for other purposes, contains (in section 9) provisions relating to congressional review of final rules issued by the Commission, commonly known as a "legislative veto."

The Committee on Rules shares joint jurisdiction with the Committee on the Judiciary over legislative veto bills, which contain rules of the House and are applicable to federal agency rulemaking generically. In the case of such bills, applicable to specific agencies or programs, the jurisdiction of the Committee on Rules is shared with the standing committee or committees of the House having re-

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sponsibility for measures relating to the agency or program in question.

Although H.R. 2970 was jointly referred without limitation, the committee asserts jurisdiction only over certain provisions of section 9 and has confined its mark-up and reporting to that subject.

Section 9 of H.R. 2970 enacts as permanent law a legislative veto substantially similar to provisions contained in section 21 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252). Under its terms that provision expired September 30, 1982, but is made applicable to the fiscal year ending September 30, 1983 by provisions of the joint resolution making continuing appropriations for fiscal year 1983 (section 101(d) of Public Law 97-377).

In all other particulars of the bill, the committee defers, without recommendation, to the report of the Committee on Energy and Commerce to accompany H.R. 2970.

Committee Consideration

H.R. 2970 was introduced on May 11, 1983 by Mr. Florio, based on prior hearings and consideration by the Subcommittee on Commerce, Transportation, and Tourism. The bill was referred jointly to the Committee on Energy and Commerce and the Committee on Rules.

H.R. 2974 was introduced on May 11, 1983 by Mr. Moakley and the bill was referred jointly to the Committee on Energy and Commerce and the Committee on Rules.

Under the provisions of section 402(a) of the Congressional Budget Act of 1974, as modified by an order of the House, the bills are required to be reported by each committee to which they are referred by May 16th. The Committee on Energy and Commerce is expected to act on H.R. 2970 within that time constraint.

In meeting its responsibilities under section 402(a), the Committee on Rules held hearings on May 12th on H.R. 2970 and H.R. 2974.

Tesimony was heard from Messrs. Levitas and Broyhill and a statement was submitted by Mr. Moakley.

By voice vote, the committee ordered H.R. 2970 reported without recommendation. No amendments were proposed.

By voice vote, the committee ordered H.R. 2974 reported favorably, after rejecting by a voice vote a motion to postpone, without prejudice, further consideration. No amendments were proposed.

Statement Regarding Report To Accompany H.R. 2974

The committee reports H.R. 2970, largely as an accommodation to the committee with which it shares jurisdiction, without recommendation, to meet the procedural requirements of section 402(a) of the Congressional Budget Act of 1974.

The committee views the bill (H.R. 2974) to authorize appropriations for the Federal Trade Commission, to provide for congressional review of Commission rules, and for other purposes, to be a more appropriate vehicle to resolve the issues placed before it by the two bills and has favorably reported that measure to the House.

Therefore, by this reference, the committee incorporates both its report to accompany H.R. 2974 together with any views contained therein for purposes of any legislative history of H.R. 2970. That report contains a discussion of the basis of the committee action and a summary of the differences between H.R. 2970 and H.R. 2974.

The committee would also note its report (H.R. 97–809, Part 2) on a similar bill in the last Congress.

Matters Required Under the Rules of the House

COMPARATIVE PRINT

Clause 4(d) of rule XI requires reports for the Committee on Rules, on resoultions amending the Rules of the House of Representatives, to contain a comparative print indicating changes in the existing rules. Although the bill, would make significant changes in the rules of the House, it would do so in a bill and in a manner that does not directly amend the Rules of the House of Representatives.

RAMSEYER

Clause 3 of rule XIII requires the report of each committee on a bill or joint resolution to contain a comparative print relating to the measure:

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Federal Trade Commission Act

* * * * * * *

Sec. 5. (a)(1)*(A)* Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.

(B) An act or practice in or affecting commerce shall be considered to be an unfair act or practice under subparagraph (A) if—

(i) such act or practice causes or is likely to cause substantial injury to consumers; and

(ii) such substantial injury (I) is not reasonably avoidable by consumers; and (II) is not outweighed by countervailing benefits to consumers or to competition which result from such act or practice.

Any determination under the preceding sentence regarding whether an act or practice is an unfair act or practice shall take into account, in addition to other relevant factors, whether such act or practice violates any public policy as established by Federal or State statutes, common law, practices in business or industry, or otherwise. This subparagraph shall not have any force or effect, and shall not be taken into account, in connection with the enforcement

of any State law which prevents persons, partnerships or corporations subject to the jurisdiction of the State from engaging in unfair acts or practices.

* * * * * * *

(m)(1)(A) The Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person, partnership, or corporation which violates any rule under this Act respecting unfair or deceptive acts or practices (other than an interpretive rule or a rule violation of which the Commission has provided is not an unfair or deceptive act or practice in violation of subsection (a)(1)) with actual knowledge or knowledge fair implied on the basis of objective circumstances that such act is unfairly or deceptive and is prohibited by such rule. In such action, such person, partnership, or corporation shall be liable for civil penalty of not more than $10,000 for each violation.

(B) If the Commission determines in a preceeding under subsection (b) that any act or practice is unfair or deceptive, and issues a final cease and desist order with respect to such act or practice, then the Commission may commence a civil action to obtain a civil penalty in a district court of the United States against any person, partnership, or corporation which engages in such act or practice—

(1) after such cease and desist order becomes final (whether or not such person, partnership, or corporation was subject to such cease and desist order), and

(2) with actual knowledge that such act or practice is unfair or deceptive and is unlawful under subsection (a)(1) of this section. In such action, such person, partnership, or corporation shall be liable for a civil penalty of not more than $10,000 for each violation.

(C)(1) In the case of a violation through continuing failure to comply with a rule or with section 5(a)(1), each day of continuance of such failure shall be treated as a separate violation, for purposes of subparagraphs (A) and (B). In determining the amount of such a civil penalty, the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

(2) If the cease and desist order establishing that the act or practice is unfair or deceptive was not issued against the defendant in a civil penalty action under paragraph (1)(B) the issues of fact in such action against such defendant shall be tried de novo. *The court in such action against such defendant also shall review, if requested by any party to the action, the determination of law made by the Commission in the proceeding under subsection (b) that the act or practice of the respondent which was the subject of such proceeding constituted a violation of subsection (a).*

(n) The Commission shall not have the authority to find a method of competition to be an unfair method of competition under subsection (a)(1) if, in any action under the Sherman Act, such method of competition would be held to constitute State action.

* * * * * * *

SEC. 18. (a)(1) Except as provided in subsection (i), the Commission may prescribe—

(A) interpretive rules and general statements of policy with respect to unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1) of this Act), and

(B) rules which define with specificity acts or practices which are unfair or deceptive acts or practices in or affecting commerce (within the meaning of such section 5(a)(1)), except that the Commission shall not develop or promulgate any trade rule or regulation with regard to the regulation of the development and utilization of the standards and certification activities pursuant to this section. Rules under this subparagraph may include requirements prescribed for the purpose of preventing such acts or practices.

(2) The Commission shall have no authority under this Act, other than its authority under this section, to prescribe any rule with respect to unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1)). The preceding sentence shall not affect any authority of the Commission to prescribe rules (including interpretive rules), and general statements of policy, with respect to unfair methods of competition in or affecting commerce.

(3) The Commission may issue a notice of proposed rulemaking with respect to any unfair or deceptive act or practice or any false advertisement (as defined in section 15(a)(1) only if—

(A) the Commission has issued two or moe cease and desist orders regarding such unfair or deceptive act or practice, or such false advertisement; or

(B) any other information available to the Commission provides the Commission with reason to believe that a pattern of such unfair or deceptive acts or practices, or such false advertisements, exists.

* * * * * * *

SEC. 20. (a) For purposes of this section:

(1) The terms "civil investigative demand" and "demand" mean any demand issued by the Commission under subsection (c)(1).

(2) The term "Commission investigation" means any inquiry conducted by a Commission investigator for the purpose of ascertaining whether any person is or has been engaged in any [unfair or deceptive acts or practices in or a affecting commerce (within the meaning of section 5(a)(1))] *act or practice or method of competition declared unlawful by this Act or any other Federal law administered by the Commission.*

(3) The term "Commission investigator" means any attorney or investigator employed by the Commission who is charged with the duty of enforcing or carrying into effect any provisions relating to [unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))] *any act or practice or method of competition declared unlawful by*

this Act or any other Federal law administered by the Commission.

* * * * * * *

(7) The term "violation" means any act or omission constituting an [unfair or deceptive act or practice in or affecting commerce (within the meaning of section 5(a)(1))] *act or practice or method of competition declared unlawful by this Act or any other Federal law administered by the Commission.*

(b) For the purpose of investigations performed pursuant to this section with respect to [unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))] *any act or practice or method of competition declared unlawful by this Act or any other Federal law administered by the Commission,* all actions of the Commission taken under section 6 and section 9 shall be conducted pursuant to subsection (c).

(c)(1) Whenever the Commission has reason to believe that any person may be in possession, custody, or control of any documentary material, or may have any information, relevant to [unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))] *any act or practice or method of competition declared unlawful by this Act or any other Federal law administered by the Commission,* the Commission may, before the institution of any proceedings under this Act, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such documentary material for inspection and copying or reproduction, to file written reports or answers to questions, to give oral testimony concerning documentary material or other information, or to furnish any combination of such material, answers, or testimony.

* * * * * * *

SEC. 24. (a) The Commission shall not have any authority to conduct any study, investigation, or prosecution of any agricultural cooperative for any conduct which, because of the provisions of the Act entitled "An Act to authorize association of producers of agricultural products", approved February 18, 1922 (7 U.S.C. 291 et seq.), commonly known as the Capper-Volstead Act, is not a violation of any of the antitrust Acts or this Act.

(b) The Commission shall not have any authority to conduct any study or investigation of any agricultural marketing orders.

SEC. 25. (a) The Commission shall not use its authority under section 5 or section 18 to prohibit unfair or deceptive acts or practices engaged in by professionals in a particular State if such use of authority would result in the invalidation of a State law of such State or any part of such law if such law or part establishes—

(1) training, education, or experience requirements for the licensure of professionals, or

(2) Permissible tasks or duties which may be performed by professionals and which are based in fact on specialized training or education.

(b) For purposes of this section:

(1) The term "professional" means any person who—

(A) in the performance of his occupation, is subject to licensure or certification under State law; and

(B) as a prerequisite for such licensure or certification under State law has (i) received a degree from an accredited institution of higher learning, or (ii) successfully completed a course of specialized training at an accredited education or training facility for health professions personnel operated as an integral part of a hospital.

(2) The term "State law" means a statute of a State and a rule or regulation duly promulgated by a State agency.

(c) Nothing in this section shall be deemed to restrict the Commission's authority under this or any other Act with respect to commercial or business acts or practices of professionals.

SEC. 26. (a)(1) The Commission, after promulgating a final rule, shall submit such final rule to the Congress for review in accordance with this section. Such final rule shall be delivered to each House of the Congress on the same date and to each House of the Congress while it is in session. Such final rule shall be referred to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House, respectively.

(2) Any such final rule shall become effective in accordance with its terms unless—

(A) before the end of the period of 35 calendar days of continuous session after the date such final rule is submitted to the Congress, a concurrent resolution disapproving such final rule is introduced in either House: and

(B) before the end of the period of 90 calendar days of continuous session after the date such final rule is submitted to the Congress, the Congress adopts a concurrent resolution disapproving such final rule.

(b)(1) The provisions of this subsection are enacted by the Congrees—

(A) as an exercise of the rulemaking power of the Senate and the House, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of concurrent resolutions which are subject to this section, and such provisions supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2)(A) Any concurrent resolution disapproving a final rule of the Commission shall, upon introduction, be referred immediately by the presiding officer of the House in which such concurrent resolution is introduced to the Committee on Commerce, Science, and Transportation of the Senate or to the Committee on Energy and Commerce of the House, as the case may be.

(B) If a committee to which a concurrent resolution is referred under subparagraph (A) does not report such concurrent resolution before the end of the period of 75 calendar days of continuous session of the Congress after such referral, it shall be in order to move

to discharge such committee from further consideration of such concurrent resolution.

(C)(i) A motion to discharge in the Senate may be made only by a Member favoring the concurrent resolution, shall be privileged (except that it may not be made after the committee has reported a concurrent resolution with respect to the same final rule of the Commission), and debate on such motion shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the motion. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other concurrent resolution with respect to the same final rule of the Commission.

(ii) A motion to discharge in the House may be made by presentation in writing to the Clerk. The motion may be called up only if the motion has been signed by one-fifth of the Members of the House. The motion is highly privileged (except that it may not be made after the committee has reported a concurrent resolution of disapproval with respect to the same rule.) Debate on such motion shall be limited to not more than 1 hour, the time to be divided equally between those favoring and those opposing the motion. An amendment to the motion is not in order, and is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3)(A) If one House receives from the other House a concurrent resolution disapproving a final rule of the Commission, then the procedure established in this paragraph shall apply.

(B) If, at the time of such receipt, a committee of the receiving House has reported, or has been discharged from further consideration of, a concurrent resolution disapproving such final rule, then the concurrent resolution received from the other House shall not be referred to any committee. On any vote on final passage of the concurrent resolution of the receiving House, a motion shall be in order to substitute the concurrent resolution received from the other House for the concurrent resolution of the receiving House.

(C)(i) If, at the time of such receipt, no committee of the receiving House has reported, or has been discharged from further consideration of, a concurrent resolution disapproving such final rule, then the concurrent resolution received from the other House shall be referred to the Committee on Commerce, Science, and Transportation of the Senate or to the Committee on Energy and Commerce of the House, as the case may be.

(ii) If a committee to which a concurrent resolution is referred under clause (i) does not report such concurrent resolution before the end of the period of 35 calendar days of continuous session of the Congress after such referral, it shall be in order to move to discharge such committee from further consideration of such concurrent resolution. The provisions of paragraph (2)(C), as such provisions apply to the respective Houses, shall apply to any such motion to discharge.

(4)(A) When a committee has reported, or has been discharged from further consideration of, a concurrent resolution disapproving

a final rule of the Commission, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion shall be privileged in the Senate and highly privileged in the House, and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate on the concurrent resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the concurrent resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit, the concurrent resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which the concurrent resolution was agreed to or disagreed to.

(5) Appeals from the decision of the Chair relating to the application of the rules of the Senate or the House, as the case may be, to the procedure relating to a concurrent resolution disapproving a final rule of the Commission shall be decided without debate.

(6) Notwithstanding any other provision of this subsection, if a House has approved a concurrent resolution disapproving a final rule of the Commission, then it shall not be in order to consider in such House any other concurrent resolution introduced in such House with respect to the same final rule.

(c)(1) If a final rule of the Commission is disapproved by the Congress under subsection (a)(2)(B), then the Commission may promulgate a final rule which relates to the same acts or practices as the final rule disapproved by the Congress in accordance with this subsection. Such final rule—

(A) shall be based upon—

(i) the rulemaking record of the final rule disapproved by the Congress; or

(ii) such rulemaking record and the record established in supplemental rulemaking proceedings conducted by the Commission in accordance with section 553 of title 5, United States Code, in any case in which the Commission determines that it is necessary to supplement the existing rulemaking record; and

(B) may contain such changes as the Commission considers necessary or appropriate.

(2) The Commission, after promulgating a final rule under this subsection, shall submit the final rule to the Congress in accordance with subsection (a)(1).

(d) Congressional inaction on, or rejection of, a concurrent resolution disapproving a final rule of the Commission under this section shall not be construed as an expression of approval of such final rule, and shall not be construed to create any presumption of validity with respect to such final rule.

(e)(1) Any interested party may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this section. The district court immediately shall certify all questions of the constitutionality of this sec-

tion to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(2) Notwithstanding any other provision of law, any decision on a matter certified under paragraph (1) shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought not later than 20 days after the decision of the court of appeals.

(3) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under paragraph (1).

(f)(1) For purposes of this section—

(A) continuity of session is broken only by an adjournment sine die at the end of the second regular session of a Congress; and

(B) days on which either House is not in session because of an adjournment of more than 5 days to a day certain are excluded in the computation of the periods specified in subsection (a)(2) and subsection (b).

(2) If—

(A) an adjournment sine die to the Congress which breaks the continuity of session (as specified in paragraph (1)(A)) occurs after the Commission has submitted a final rule under subsection (a)(1), but before any action necessary to disapprove the final rule is completed under subsection (a)(2)(B); and

(B) such adjournment occurs (i) before the end of the period specified in subsection (a)(2)(B), in a case in which a concurrent resolution disapproving such final rule has been introduced in either House before the end of the period specified in subsection (a)(2)(A); or (ii) before the end of the period specified in subsection (a)(2)(A), in a case in which no such concurrent resolution has been introduced before such adjournment;

then the Commission shall resubmit such final rule at the beginning of the first regular session of the next Congress. The periods specified in subsection (a)(2) shall begin on the date of such resubmission.

(g) For purposes of this section:

(1) The term "concurrent resolution" means a concurrent resolution of the two Houses of the Congress the matter after the resolving clause of which is as follows: "That the Congress disapproves the final rule promulgated by the Federal Trade Commission dealing with the matter of , which final rule was submitted to the Congress on .". (The blank spaces shall be filled appropriately.)

(2) The term "rule" means any rule promulgated by the Commission pursuant to this Act, other than any rule promulgated under section 18(a)(1)(A).

[SEC. 24. There are authorized to be appropriated to carry out the functions, powers, and duties of the Federal Trade Commission not to exceed $42,000,000 for the fiscal year ending June 30, 1975; not to exceed $47,091,000 for the fiscal year ending June 30, 1976; and not to exceed $50,000,000 for the fiscal year ending in 1977; not to exceed $70,000,000 for the fiscal year ending September 30, 1980; not to exceed $75,000,000 for the fiscal year ending September 30,

1981; and not to exceed $80,000,000 for the fiscal year ending September 30, 1982.]

SEC. [25.] *28.* This Act may be cited as the "Federal Trade Commission Act".

SEC. 27. To carry out the functions, powers, and duties of the Commission there are authorized to be appropriated $70,705,000 for fiscal year 1984, $75,654,000 fiscal year 1985, and $80,949,000 for fiscal year 1986.

FEDERAL TRADE COMMISSION IMPROVEMENTS ACT OF 1980

AN ACT To amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Trade Commission Improvements Act of 1980".

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CONGRESSIONAL REVIEW OF RULES

SEC. 21. [57] (a)(1) * * *

* * * * * * *

(i) The provisions of this section shall take effect on the date of the enactment of this Act and shall cease to have any force or effect [after September 30, 1982.] *with respect to any final rule submitted to the Congress by the Commission on or after the date of the enactment of the Federal Trade Commission Authorization Act of 1983.*

CONGRESSIONAL BUDGET OFFICE ESTIMATES

Clause 2(1)(3)(B) of rule XI requires each committee report to contain any statement required by section 308(a) of the Congressional Budget Act of 1974. That section does not apply to this bill.

Clause 2(1)(3)(C) of rule XI requires each committee report to contain any cost estimate and comparison prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 13, 1983.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 2970, the Federal Trade Commission Authorization Act of 1983.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 2970.

2. Bill title: Federal Trade Commission Authorization Act of 1983.

3. Bill status: As ordered reported by the House Committee on Rules, May 12, 1983.

4. Bill purpose: H.R. 2970 authorizes the appropriation of $70.7 million in fiscal year 1984, $75.7 million in fiscal year 1985, and $80.9 million in fiscal year 1986 to carry out the programs of the Federal Trade Commission (FTC). In addition, the bill codifies certain existing FTC policies, makes a number of changes in FTC procedures, and revises the process of Congressional review of FTC rules.

Fiscal year 1983 appropriations to date for the FTC are $63.6 million. The President is requesting $59.5 million for the FTC in 1984.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1984	1985	1986	1987	1988
Authorization level	70.7	75.7	80.9	.....	.....
Estimated outlays	64.6	75.2	80.5	7.0	.....

Including outlays from prior years' budget authority, total outlays for the FTC in 1984 would be approximately $70.1 million.

The costs of this bill fall within budget function 370.

Basis of estimates

For purposes of this estimate, it is assumed that the amount authorized in the bill will be appropriated prior to the beginning of each fiscal year. Outlays reflect historical spending patterns.

6. Estimated cost to State and local governments: None

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Mary B. Maginniss.

10. Estimate approved by: C. G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

COMMITTEE COST ESTIMATE

Clause 7(a) of rule XI requires certain committee reports to contain committee cost estimates. That provision does not apply to the Committee on Rules but the committee explores the cost implications of all measures it considers.

The committee believes that any legislative veto has cost implications, which are difficult to quantify, on both the legislative branch and on any agency to which it applies. The committee, however, is aware of no appropriate methodology to quantify those costs.

In respect to all other costs, the committee defers to the findings of the Committee on Energy and Commerce in their report to accompany the bill.

OVERSIGHT FINDINGS

Clause 2(1)(3)(A) of rule XI requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X. The Committee has made no special oversight findings in connection with the bill and notes that, under the rules of the house, oversight responsibility with regard to the Federal Trade Commission is vested in the Committee on Energy and Commerce.

The committee would refer to its statement under the section of this report titled "Scope of Report" and defers, on this matter, to the report to accompany the measure made by the Committee on Energy and Commerce.

OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

Clause 2(1)(3)(D) of rule XI requires each committee report to contain any oversight findings and recommendations made by the Committee on Government Operations pursuant to clause 4(c)(2) of rule X. No such findings and recommendations have been received.

INFLATION IMPACT STATEMENT

Clause 2(1)(4) of rule XI requires each committee report to contain a statement relating to the inflationary impact of the enactment of that measure. The committee is aware of none.

The committee would refer to its statement under the section of this report entitled "Scope of Report" and defers, on this matter, to the report to accompany the measure of the Committee on Energy and Commerce.

VIEWS OF COMMITTEE MEMBERS

Clause 2(1)(5) of rule XI requires each committee to afford a three day opportunity for members of the committee to file additional, minority, or dissenting views and to include the views in its report.

Although neither requirement applies to the committee, it always makes the maximum effort to provide its members with such an oportunity.

No views have been submitted for inclusion in this report but the committee would note that it has received views for inclusion in its report to accompany H.R. 2974 and the committee would note its statement in this report titled "Statement Regarding Report to Accompany H.R. 2974," which, by reference, incorporates its report to accompany H.R. 2974, together with any views contained therein, for purposes of any legislative history of H.R. 2970.

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